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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO.       |
|---|-------------|----------------------|--------------------------|------------------------|
| 10/725,931  | 12/03/2003  | Chiyoko Matsumi      | MTS-3583US               | 4481                   |
| 52473   | 7590        | 11/09/2010           |                          |                        |
| RATNERPRESTIA<br>P.O. BOX 980<br>VALLEY FORGE, PA 19482 |             |                      | EXAMINER<br>DANG, HUNG Q |                        |
|   |             |                      | ART UNIT<br>2484         | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>11/09/2010  | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/725,931 | <b>Applicant(s)</b><br>MATSUMI ET AL. |  |
|                              | <b>Examiner</b><br>Hung Q. Dang      | <b>Art Unit</b><br>2484               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/07/2010 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 08/10/2010 have been fully considered but they are not persuasive.

On pages 7-8, Applicant argues that, "Ando's file structure 486, however, is not utilized to reproduce the data file without analyzing the file system (e.g. Ando's file structure 486 still analyzes the directories and subdirectories within the overall file system in order to reproduce the actual files). For example, Fig. 14 of Ando shows that in order to reproduce data file 403, the file system is analyzed (the recorded position of the actual files as shown in 13A are located within the file structure/system and have to be searched for)."

In response, Examiner respectfully disagrees. According to Ando's file structure shown in Fig. 13A, the data is reproduced without analyzing the file system because:

(1) The analyzing step has been performed to construct the structure shown in Fig. 13A before it is used in reproduction.

(2) When a data file is reproduced, the information regarding location and/or other information is achieved by simply a read operation. (Reading only is not an analysis because analysis requires input data to be processed and/or interpreted, to derive meaningful but output data that cannot be seen directly from the input data. The output data is the result of the analysis.) In the case of Ando' file structure shown in Fig. 13A, when data is reproduced, its location can be achieved directly from the data of the file structure without re-constructing it again from analyzing the file system.

As such, Applicant's arguments are not persuasive.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Patent 6,341,196 – hereinafter Ando) and Inoue (US 2001/0013058 – hereinafter Inoue).**

Regarding claim 1, Ando discloses a recording and reproducing system comprising (*column 4, lines 59-67*): a record medium holding, according to a predetermined file system, a plurality of data files, each of said data files storing predetermined data (*Figs. 18; Fig. 15; column 22, lines 8-14*) and a piece of parameter information used for reproducing said predetermined data (*column 17, lines 16-29; column 19, lines 18-54*); a data file holding position information file recording unit that

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includes a processor and is configured to record data file holding position information, which indicates a position where said data file is held on said record medium in a data file holding position information file held on said record medium (*column 22, line 8 – column 23, line 10; Figs. 18; Figs. 19; Fig. 13A; Fig. 14; column 18, lines 9-15*); and a data reproducing unit that includes a processor and is configured to reproduce said predetermined data stored by said data file by using said data file holding position information and said parameter information (*column 19, lines 18-54*); data, which is required for obtaining said data file holding position information to be recorded, is gathered by analyzing said predetermined file system (*column 5, lines 7-14; column 15, lines 60-64; column 18, lines 1-54*), said obtained file holding position information is recorded in said data file holding position information file by using a unique data file IDs (*column 18, lines 1-54; Fig. 16*), and when certain predetermined data is reproduced, said recorded data file holding position information is used in order to know, without analyzing said predetermined file system, said position where said data file storing said certain predetermined data is held on said record medium (*column 25, lines 46-57; 32, lines 46-58 – also see “Response to Arguments” above*).

However, Ando does not disclose a parameter information file recording unit which includes a processor and is configured to record said parameter information in a parameter information file held on said record medium; each of said data files is given a unique data ID by using a positional order, said parameter information file storing said pieces of said parameter information in said positional order.

Inoue discloses a parameter information file recording unit which includes a processor and is configured to record said parameter information in a parameter information file held on said record medium (*Fig. 19; [0206] – wherein the TOC is interpreted as the recited parameter information file*); each of said data files is given a unique data ID by using a positional order (*Fig. 19 - wherein each title, which represents a data file, is given a unique data ID by using a track number in order, which corresponds to the recited positional order*), said parameter information file storing said pieces of said parameter information in said positional order (*Fig. 19 – the TOC storing the title and related information regarding the file, e.g. track size, in the positional order given by the track order*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the table of contents of Inoue into the recording and reproducing system taught by Ando in order to enhance the playback interface of the system, which helps user to identify recorded data and/or data to be played back.

Regarding claim 2, Ando also discloses said data file holding position information file stores said file holding position information with respect to said plurality of data files are held respectively (*Fig. 13A*).

Claim 6 is rejected for the same reason as discussed in claim 1 above.

Claim 7 is rejected for the same reason as discussed in claim 1 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2484

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2484